

FILED



5:21 pm, 5/10/21

Margaret Botkins
Clerk of Court

United States District Court
For The District of Wyoming

Nancy D. Freudenthal, United States District Judge

Abby Logan, Courtroom Deputy
Jan Davis, Court Reporter

May 10, 2021
Cheyenne, WY

UNITED STATES OF AMERICA,
Plaintiff,
vs.

Plaintiff's Attorneys:
Christyne Martens/Nicole Romine

Case No: 20-CR-45-F

CODY DONOVAN SMITH
Defendant.

Defendant's Attorney:
Alex Freeburg/Jeremy Hugus

COURTROOM MINUTES
JURY TRIAL DAY 1

8:35 a.m. - 9:21 a.m. Pretrial matters discussed in with counsel. Motion to Reconsider denied by the Court.

10:09 a.m. Court begins. The Judge leads the courtroom in the Pledge of Allegiance.

10:11 a.m. Opening remarks by the Judge to the potential jurors.

10:12 a.m. Roll call taken by the Courtroom Deputy.

10:14 a.m. Courtroom Deputy issues oath to potential jurors to answer qualifying questions.

10:15 a.m. Qualifying questions asked by the Judge of the potential jurors.

10:18 a.m. All jurors deemed qualified by the Judge. Courtroom Deputy issues oath to potential jurors to qualify them as to the cause now in hearing.

10:19 a.m. The Judge introduces herself and her court staff to potential jurors. She explains the voir dire process to the potential jurors.

10:35 a.m. The Judge gives a brief overview of this case to the potential jurors and ask if anyone has any conflicts with this case in particular.

10:36 a.m. Christyne Martens introduces herself and those seated at counsel table with her. She also lists her witnesses in this case who are from Wyoming.

10:39 a.m. Alex Freeburg introduces himself and those seated at counsel table with him. He also lists his witnesses in this case who are from Wyoming.

10:41 a.m. Potential jurors introduce themselves.

10:55 a.m. Voir dire by the Judge.

10:59 a.m. Side bar held with a potential juror.

11:03 a.m. Court resumes. Voir dire continues.

11:05 a.m. Side bar held with a potential juror.

11:06 a.m. Court resumes. Voir dire continues.

11:20 a.m. Voir dire by Christyne Martens for the Government.

11:38 a.m. Voir dire by Jeremy Hugus for the Defendant.

11:54 a.m. Side bar held with counsel.

11:55 a.m. Court resumes. Peremptory Challenge Rounds 1 and 2.

12:03 p.m. Side bar held with counsel.

12:04 p.m. Court resumes. Jurors excused by the Judge. Replacement jurors called by the Courtroom Deputy.

12:07 p.m. The Judge informs everyone that she would like to take lunch recess at this time. Brief admonition issued to the potential jurors.

12:09 p.m. Court recessed for lunch break.

1:30 p.m. Court resumes. Voir dire continues.

1:34 p.m. Potential juror excused for cause. Replacement juror called by the Courtroom Deputy.

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| 1:42 p.m. | Side bar held with potential juror. |
| 1:45 p.m. | Court resumes. Side bar held with another potential juror. |
| 1:47 p.m. | Court resumes. Juror excused and a replacement juror called by the Courtroom Deputy. Voir dire continues. |
| 1:50 p.m. | Side bar held with a potential juror. |
| 1:56 p.m. | Court resumes. Voir dire continues. |
| 2:00 p.m. | Side bar held with counsel. |
| 2:03 p.m. | Court resumes. Voir dire continues. |
| 2:05 p.m. | Peremptory Challenge round 3. |
| 2:10 p.m. | Juror excused by the Judge. Replacement juror called. |
| 2:12 p.m. | Voir dire continues. |
| 2:17 p.m. | Side bar held with counsel. |
| 2:18 p.m. | Court resumes. Peremptory Challenge Round 4. |
| 2:20 p.m. | Jurors excused and replacement jurors are called by the Courtroom Deputy. Voir dire continues. |
| 2:30 p.m. | Side bar held with counsel. |
| 2:31 p.m. | Court resumes. Voir dire continues. |
| 2:33 p.m. | Peremptory Challenge Round 5. |
| 2:35 p.m. | Jurors excused and replacement jurors are called by the Courtroom Deputy. Voir dire continues. |
| 2:40 p.m. | Side bar held with potential juror. |
| 2:43 p.m. | Court resumes. Juror excused and a replacement juror is called by the Courtroom Deputy. Voir dire continues. |
| 2:47 p.m. | Side bar held with a potential juror. |
| 2:52 p.m. | Court resumes. Voir dire continues. |

2:55 p.m. Side bar held with counsel.

2:56 p.m. Court resumes. Peremptory challenge Road 6.

2:59 p.m. Jurors excused and replacement jurors are called by the Courtroom Deputy. Voir dire continues.

3:04 p.m. Side bar held with a potential juror.

3:11 p.m. Court resumes. Voir dire continues.

3:13 p.m. Side bar held with counsel.

3:14 p.m. Court resumes. Jurors called forward for consideration in the alternate round.

3:16 p.m. Jurors called for consideration of the alternate excused by the Judge. Replacement jurors called by the Courtroom Deputy.

3:18 p.m. Voir dire continues.

3:21 p.m. Side bar held with a potential juror.

3:24 p.m. Court resumes. Juror called for consideration of the alternate excused by the Judge. Replacement juror called by the Courtroom Deputy.

3:25 p.m. Voir dire continues.

3:28 p.m. Side bar held with a potential juror.

3:33 p.m. Court resumes. Juror called for consideration of the alternate excused by the Judge.

3:35 p.m. Judge wishes to take afternoon break at this time. Brief admonition issued to the jury.

3:36 p.m. Court recessed for afternoon break.

3:47 p.m. Court resumes. Replacement juror called by the Courtroom Deputy. Voir dire continues.

3:52 p.m. Side bar held with counsel.

3:53 p.m. Court resumes. Peremptory Challenge final round.

3:55 p.m. Jurors excused, the other 2 asked to take their seats in the jury box. **JURY EMPANELED.** All remaining potential jurors excused by the Judge.

3:56 p.m. Jury sworn in by the Courtroom Deputy. Opening instructions given by the Judge to the jury.

4:19 p.m. Opening statement by Christyne Martens for the Government.

4:26 p.m. Opening statement by Alex Freeburg for the Defense.

4:39 p.m. Government Exhibit 1001 admitted by the Court.

4:40 p.m. **Government calls Agent Jacob Olson.** Sworn in by the Courtroom Deputy. Direct examination of Agent Olson by Christyne Martens for the Government.

5:01 p.m. Judge informs everyone that she wishes to take evening break at this time. Brief admonition issued to the jury.

5:02 p.m. Jury excused.

5:03 p.m. Court recessed until tomorrow (5/11/2021) at 8:30 a.m.